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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	
)	CASE NO. 2:11-cr-00300-PMP-PAL
Plaintiff,)	
)	GOVERNMENT'S MOTION TO DISMISS
v.)	CRIMINAL INFORMATION WITHOUT
)	PREJUDICE
)	
DARRYL SCOTT NICHOLS,)	<u>AND ORDER</u>
)	
Defendant.)	

COMES NOW the United States of America, by and through the undersigned counsel, and moves to dismiss the Criminal Information without prejudice filed in the above-captioned case against defendant Darryl Scott Nichols, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure.

As grounds for this motion, the government states as follows:

1. The defendant was charged in a Criminal Information on one count of conspiracy to commit mail and wire fraud, in violation of Title 18, United State Code, Section 1343.
2. On September 6, 2011, Defendant Nichols entered a plea of guilty as to one count of conspiracy to commit wire and mail fraud.

3. Sentencing in this matter is scheduled for May 18, 2015 at 10:00 am.
4. On or about November 2, 2014, Defendant Nichols died.
5. Dismissals under Rule 48(a) are generally without prejudice. *See* 3B Fed. Prac. & Proc. Crim. (3d ed.), Fed. Crim. Rules Handbook FCRP 48 (2011 ed.)
6. It is in the best interest of justice to dismiss the Criminal Information filed against defendant Darryl Scott Nichols, without prejudice.

WHEREFORE, the Government by and through the undersigned counsel, respectfully requests the dismissal of the Criminal Information filed against defendant Darryl Scott Nichols without prejudice.

Respectfully submitted,

WILLIAM STELLMACH
Acting Chief, U.S. Department of Justice
Fraud Section, Criminal Division

/s/ Thomas B.W. Hall
THOMAS B.W. HALL
Trial Attorney, U.S. Dept. of Justice
Criminal Division, Fraud Section

IT IS SO ORDERED.


Gloria M. Navarro, Chief Judge
United States District Court

DATED: 01/02/2015

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	
)	CASE NO. 2:11-cr-00300-PMP-PAL
Plaintiff,)	
)	
v.)	
)	
DARRYL SCOTT NICHOLS,)	
)	
Defendant.)	

I, the undersigned, hereby certify that this pleading was filed with the clerk of court via ECF and will be served electronically via ECF on all parties that have entered their appearances in this case.

Dated: December 30, 2014

/s/ Thomas B.W. Hall
THOMAS B.W. HALL
Trial Attorney, U.S. Dept. of Justice
Criminal Division, Fraud Section